IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 2ND JANUARY 2007 / 12 POUSHA 1928

WP(C).No. 165 of 2007(T)

PETITIONERS:

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1. MANOJ P.JOHN, S/O.JOHN,
   PULIMOOTTIL HOUSE, KANJIRAMATTOM, AMBALLOOR KARA
   KANAYANNUR TALUK.

2. MARY JOHN, AGED 78,
   W/O.JOHN OF DO. DO.

BY ADV. SRI.JOHNSON MANAYANI
SRI.BENHURJOSEPH MANAYANI

RESPONDENTS:

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1. K.C.JOSE, HOUSE NO.9/17,
   10/86, PALLIKAVALA BHAGOM, MUDIKKAL P.O.,
   MARAMPPILLY VILLAGE, KUNNATHUNADU TALUK,
   ERNAKULAM.

2. DY.SUPDT. OF POLICE,
   PERUMBAVOOR.

3. SECRETARY TO HOME AFFAIRS,
   SECRETARIAT, TRIVANDRUM.

4. THE DIRECTOR GENERAL OF POLICE,
   TRIVANDRUM.

5. INSPECTOR GENERAL OF POLICE (HQ),
   TRIVANDRUM.

6. SUPDT. OF POLICE (RURAL),
   ALWAYE.

BY GOVERNMENT PLEADER SRI.K.A.AKBAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P.C.No.165 of 2007

Dated this the 2nd day of January 2007

JUDGMENT

The grievance of the petitioner is that no crime has been registered on the basis of Ext.P3 complaint filed by him against the first respondent. He prays for appropriate directions to the other respondents to register a crime and investigate the same on the basis of Ext.P3.

2. What is the offence alleged and disclosed in Ext.P3? The specific allegation is that the first respondent availed a loan. To secure that loan, documents of the petitioner were pledged. Subsequent to such transaction, the first accused is not available at his residence at Kadavanthara. He is absconding. He has not paid the amount due to the bank. In these circumstances , the bank is proceeding against the petitioner. In not discharging his liability, the first respondent is alleged to have jeopardised the position of the petitioner. Therefore, action may be taken. This is the short prayer. The allegations, even if accepted in toto, according to me, do not reveal any contumacious or culpable conduct. No crime is alleged or revealed in Ext.P3. In these

circumstances , if the respondents do not register a crime on the basis of Ext.P3, that cannot be reckoned as an indiscretion justifying or warranting invocation of the jurisdiction of this court under Article 226 of the Constitution of India.

3. This writ petition is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006